

1  
2  
3  
4  
5  
6 UNITED STATES DISTRICT COURT  
7 WESTERN DISTRICT OF WASHINGTON  
8 AT SEATTLE

9 UNITED STATES OF AMERICA,

10 Plaintiff,

11 v.

12 DANIEL NIX,

13 Defendant.

Case No. CR17-105RSL

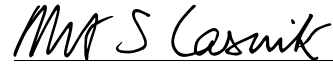
ORDER DENYING STAY

14 This matter comes before the Court on defendant's "Emergency Motion to Stay  
15 Proceedings Pending Interlocutory Appeal." Dkt. # 144. Defendant bases his request on an  
16 interlocutory appeal he filed challenging this Court's decision, affirmed by Chief Judge Ricardo  
17 S. Martinez, not to recuse in this matter. See Dkts. ## 142, 143. The filing of an interlocutory  
18 appeal does not automatically stay proceedings in the district court, and the district court has  
19 discretion to decide whether a stay is appropriate to "promote economy of time and effort."  
Filtrol Corp. v. Kelleher, 467 F.2d 242, 244 (9th Cir. 1972) (marks and citations omitted).

20 A stay is not warranted in this case. Appellate jurisdiction proceeds from 28 U.S.C.  
21 § 1291, "which grants the federal courts of appeals jurisdiction to review 'all final decisions of  
22 the district courts,' both civil and criminal." Abney v. United States, 431 U.S. 651, 657 (1977)  
23 (quoting 28 U.S.C. § 1291). A district court's order denying a motion to disqualify is not a final  
24 appealable order under § 1291, nor is it immediately appealable under the collateral order  
25 exception to the final-judgment rule. United States v. Washington, 573 F.2d 1121, 1122 (9th  
26 Cir. 1978). In addition, a stay would not promote economy of time and effort and would instead  
27 only frustrate these proceedings. See Filtrol Corp., 467 F.2d at 244.  
28

1 For these reasons, defendant's motion for a stay pending interlocutory appeal, Dkt. # 144,  
2 is DENIED.

3 DATED this 2nd day of August, 2018.  
4

5   
6 Robert S. Lasnik  
7 United States District Judge  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28